

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the Commission's Post-2008 Energy Efficiency Policies, Programs, Evaluation, Measurement, and Verification, and Related Issues.	Rulemaking 09-11-014 (Filed November 20, 2009)
---	---

**DECISION GRANTING REQUEST OF NATURAL RESOURCES DEFENSE COUNCIL
(NRDC) FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL
CONTRIBUTIONS TO DECISION 12-05-015**

Claimant: Natural Resources Defense Council (NRDC)	For contribution to Decision (D.) 12-05-015
Claimed (\$): \$61,914.13	Awarded (\$): \$62,811.25¹
Assigned Commissioner: Mark Ferron	Assigned ALJ: Darwin Farrar
	Claim Filed: July 16, 2012

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.12-05-015 adopted energy saving goals for the four large California investor owned utilities and provided program and policy guidance for the forthcoming efficiency program applications to be filed July 2, 2012. These applications include a suite of energy efficiency programs for customers and the related budgets for 2013 and 2014.
--	---

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	March 18, 2010	Yes
2. Other Specified Date for NOI:	n/a	
3. Date NOI Filed:	April 16, 2010	Yes
4. Was the NOI timely filed?		Yes

¹ The award is slightly larger than the request to reflect the cost of living adjustment authorized by Resolution ALJ-181.

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 09-08-009	Yes
6. Date of ALJ ruling:	January 28, 2010	Yes
7. Based on another CPUC determination (specify):		Yes
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.11-05-017 et al.	Yes, see Section I.C below.
10. Date of ALJ ruling:	October 28, 2011	Yes
11. Based on another CPUC determination (specify):		See Section 1.C below.
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-05-012	Yes
14. Date of Issuance of Final Order or Decision:	May 18, 2012	Yes
15. File date of compensation request:	July 16, 2012	Yes
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I (use line reference # as appropriate):

#	Claimant	CPUC	Comment
		Lines 9-11	See D.12-02-011, which found NRDC made the requisite showing of significant financial hardship citing to A.11-05-017 et al, notwithstanding that the application commenced after the instant proceeding. That decision quotes NRDC as stating that “while NRDC has repeatedly been found to show financial hardship, none of the findings are within the required one-year time frame of this claim. In NRDC’s recent notices of intent to claim compensation in R.11-03-012 and A.11-05-017 et al., we provide our full bylaws and articles of incorporation and request a ruling of financial hardship.” (D.12-02-011 at 2.) See also D.13-02-013 where we accepted a similar showing by NRDC of significant financial hardship, notwithstanding the fact that the decision relied upon was not issued within a year prior to the commencement of the instant proceeding. See Pub. Util. Code Section 1804 (b) (1).

PART II: SUBSTANTIAL CONTRIBUTION

Claimant's description of its contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

Contribution to D.12-05-015	Citation to Decision or Record (Provided by Claimant)	Showing Accepted by CPUC
<ul style="list-style-type: none"> The following italicized headers correspond to the substantive issue areas used to categorize staff timesheets. 		
<p><i>1. EE All Issues (A)</i></p> <ul style="list-style-type: none"> ➤ NRDC argued that given the new composition of the programs and available savings identified in the efficiency potential, the Commission should not restrict the utilities to an 80% resource to 20% non-resource program composition split. (as noted in the original PD at 11.) ➤ NRDC consistently raised the issue that the Commission's policies that direct the utilities how to calculate efficiency savings and plan for EE programs must align with the Commission's goals of long term savings and comprehensive programs. 	<ul style="list-style-type: none"> NRDC (04/09/12) at 13. D.12-05-015 at 11: The Commission modified the proposed decision to remove the explicit expectation that the program portfolio would be composed of 80% resource and 20% non-resource: "We "offset" this with resource programs accounting for the remaining 80% of the portfolio budget, leading to an overall cost-effective portfolio. We continue this model (though not necessarily this specific ratio) for 2013-2014." NRDC Comments (12/23/11) at 2; (04/09/12) at 1; (04/16/12) at 1. NRDC email to President Peevey and Commissioners summarizing issues 05/08/12 (see Ex Parte notice in R.09-11-014 dated 05/10/12). D.12-05-015 at 436-Ordering Paragraph (OP) 171: The final decision includes an additional Ordering Paragraph that allows the utilities to proposed alternative portfolios that offer solutions to address outstanding policy issues not resolved in the final decision. 	Yes
<p><i>2. Process Improvements (B)</i></p> <ul style="list-style-type: none"> ➤ NRDC argued that while third party programs should continue throughout the transition period, the process needs to be reformed for long-term improvements. 	<ul style="list-style-type: none"> NRDC Comments (11/08/11) at 10-11; D.12-05-015 at 153. D.12-05-015 at 22 and D.12-05-015 at 157: The Commission agreed and directed the IOUs to "propose a reformed third-party solicitation process to be used for new solicitations beginning in 2013." 	Yes

<ul style="list-style-type: none"> ➤ NRDC recommended establishing collaborative forums (such as a modified program advisory group) to discuss program design and other issues that arise. 	<ul style="list-style-type: none"> • NRDC Comments (12/03/10) at 3-4 & 7; (11/16/11), at 2, 3; (12/23/11) at 5. • D.12-05-015 at 367: “We see merit in considering proposals to reinstitute the Programs Advisory Groups.” 	
<p>3. <i>Streamlining (C)</i></p> <ul style="list-style-type: none"> ➤ NRDC suggested that rather than eliminate programs that could provide real benefits to customers and the environment, the utilities should simplify and consolidate. 	<ul style="list-style-type: none"> • NRDC Comments (11/08/11) at 12; D.12-05-015 at 158-159. • D.12-05-015 at 160: “NRDC’s suggestion to focus on consolidating, rather eliminating, programs has merit. We agree with NRDC that streamlining and standardizing delivery of programs could create less confusion among programs and possibly encourage new entry into the market.” 	Yes
<p>4. <i>DEER (E)</i></p> <ul style="list-style-type: none"> ➤ NRDC argued that the required DEER net-to-gross values assume the Energy Upgrade California (EUC) program would be happening without program intervention, which all parties and the Commission agree is not the case. 	<ul style="list-style-type: none"> • NRDC Comments (04/09/12) at 5. • D.12-05-015 at 169: The Commission modified the PD to provide a higher net-to-gross for EUC. “Consistent with the commitment we are making to this program, we direct Commission Staff to use a default Net-to- Gross ratio of 0.85 for Energy Upgrade California custom projects (though not as a strict “floor”) similar to the approach we take in this decision for Emerging Technology Net-to-Gross ratios.”; D.12-05-015 at 407-OP 44. 	Yes
<p>5. <i>Local Government and Third Party Programs (F)</i></p> <ul style="list-style-type: none"> ➤ NRDC argued that the proposed decision (which explicitly prohibited additional third party programs for the 2013-2014 period - see p.22 of original PD) be amended to allow for new third party programs if appropriate and also to rework the process to ensure easier access for new entrants. 	<ul style="list-style-type: none"> • NRDC Comments (11/08/11) at 9; D.12-05-012 at 152 and 157. • D.12-05-015 at 154: “We agree with the majority of parties that IOUs should expand their commitment to third-party implementation”; D.12-05-012 at 406-OP 40. 	Yes

<p>6. <i>Potential Study (G)</i></p> <ul style="list-style-type: none"> ➤ NRDC argued that additional emerging technologies should be included in the final potential study. ➤ NRDC does not agree with the potential reductions to the refrigerator recycling program and contends that the results of the program evaluation were inappropriately applied. 	<ul style="list-style-type: none"> • NRDC Comments (01/12/12) at 9; D.12-05-012 at 69. • D.12-05-015 at 70: “Many of the changes recommended by parties were incorporated into the Final Potential Study. For instance, the assessment of emerging technologies was expanded to include ten new measures.” • NRDC Comments (01/12/12) at 26 [also first presented (11/22/11) at 2 in the Demand Analysis Working Group (DAWG) process]. • D.12-05-015 at 71: “It appears the draft potential study methodology misinterpreted the evaluation results.” 	<p>Yes, except the correct citation in the last bullet of this section is to D.12-05-015 at 72.</p>
<p>7. <i>Cost Effectiveness (I-M)</i></p> <ul style="list-style-type: none"> ➤ NRDC argued that a linear approach to renewables avoided cost is more appropriate than a step-wise function. 	<ul style="list-style-type: none"> • NRDC Comments (10/27/11) at 4. • D.12-05-015 at 36: The Commission agreed “we plan to incorporate this approach in future portfolio cycles.” 	
<p>8. <i>Programs (N)</i></p> <ul style="list-style-type: none"> ➤ HVAC: NRDC argued that the utilities should ensure that all permits are pulled when necessary. ➤ Plug load: NRDC suggested that the IOUs include plans for programs that push greater plug load savings towards meeting the state’s ZNE goals. 	<ul style="list-style-type: none"> • NRDC Comments (01/06/12) at 7-8; D.12-05-015 at 171. • D.12-05-015 at 174 - 175; D.12-05-015 at 409-OP 53. While the Commission did not take NRDC’s recommendation in full, they did direct additional efforts for permit verification. • NRDC Comments (12/23/11) at 8. • D.12-05-015 at 203: “We are persuaded by NRDC’s proposal that a more aggressive plug loads program would benefit California’s residential zero Net Energy aims.” And D.12-05-015 at 412-OP 63. 	<p>Yes</p>

<ul style="list-style-type: none"> ➤ Appliance Recycling: NRDC argued that (1) there are still opportunities to <i>cost effectively</i> remove old appliances from the market, (2) the utilities are still needed to run programs as experts in the industry note that many retailer programs do not in fact recycle the appliances as the utilities do, and (3) suggested that the Commission add recycling of clothes washers to the list of appliances for the program. ➤ Zero-net energy: NRDC argued there needs to be a more comprehensive and strategic timeline towards achieving the state's ZNE goals to ensure that we maximize the more cost-effective energy efficiency and reduce the need for the more expensive renewables. ➤ Lighting: NRDC argued that if there is still potential for basic compact fluorescent lamps, programs should target those savings to ensure the utilities are capturing all cost-effective efficiency. ➤ Marketing: NRDC recommended that the Commission build off of the infrastructure of Energy Upgrade California, as well as Flex Your Power and Flex Alert. 	<ul style="list-style-type: none"> • NRDC Comments (11/08/11) at 4. • D.12-05-015 at 205: The Commission agreed: "while per-unit savings of recycling refrigerators have declined, savings opportunities remain from refrigerator and freezer recycling." And "These data suggests...that ARP programs remains cost-effective." • D.12-05-015 at 206: The Commission added clothes washers to the program. • NRDC Comments (12/23/11) at 7. • D.12-05-015 at 212: "We agree with NRDC that a Zero Net Energy Roadmap should include and be based on best estimates for cost-effective combinations of onsite renewable energy and energy efficiency." • NRDC Comments (11/08/11) at 2; (01/06/12) at 6-7; and D.12-05-015 at 230. • D.12-05-015 at 231-2: The Commission agreed. "We conclude we should not ignore available cost effective savings that basic Compact Fluorescent Lamps can still provide." • NRDC Comments (11/02/11) at 3-4 and D.12-05-015 at 294. • D.12-05-012 at 298 and 300: "We see value in continuing the emergency response portion of Flex Your Power - Flex Alert." and "We direct the utilities to focus on transforming the Energy Upgrade California brand from the name of one program to more of an umbrella brand." 	
--	--	--

<p>9. <i>Financing (P-R)</i></p> <p>➤ NRDC offered multiple financing suggestions including (1) improve access to energy usage and (2) provide sufficient information to the customer regarding bill neutrality as a requirement to qualify for a loan.</p>	<ul style="list-style-type: none"> • NRDC Comments (11/08/11) at 6; (01/25/12) at 7-9 • D.12-05-015 at 132: “NRDC submitted a constructive suggestion for the Commission to require that a customer must be presented with an estimate of the expected energy savings and bill impacts of the energy efficiency project at the time the customer agrees to the project.” • D.12-05-015 at 139: “NRDC presented, in its comments, a compromise that makes sense and we will adopt.” • D.12-05-015 at 401 – OP 24. 	Yes
<p>10. <i>Water-energy nexus (S)</i></p> <p>➤ NRDC urged the Commission to address leakage through detection programs.</p>	<ul style="list-style-type: none"> • NRDC Comments (11/08/12) at 8. • D.12-05-015 at 288: “We direct the IOUs to propose 2013-2014 efforts...on leak loss detection”; D.12-05-012 at 423-OP 115 	Yes

A. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding with positions similar to Claimant?	Yes	Yes
c. Names of other parties: Numerous other parties participated in this proceeding, including the four investor owned utilities (IOUs), DRA, The Utility Reform Network (TURN), Local Government Sustainability Coalition (LGSEC), Efficiency Council, National Association of Energy Service Companies (NAESCO), Solar City, Opower, and California Center for Sustainable Energy (CCSE).		Yes
<p>d. Claimant’s description of how Claimant coordinated with DRA and other parties to avoid duplication or how Claimant’s participation supplemented, complemented, or contributed to that of another party:</p> <p>When possible, NRDC worked cooperatively with other parties to either resolve key issues before filing comments or to ensure no duplication in comments. We also worked with other parties when positions aligned. In particular, NRDC worked with NAESCO, CA State University, Efficiency Council, LGSEC, the IOUs, and EnerNoc to submit reply comments to the first request for comment on extension year (June 30, 2011). The preparation of parties’ joint position fed directly into NRDC’s opening comments, therefore positions were consistent and the time for NRDC comments was reduced.</p>		Yes. We make no reduction to this claim for duplication of effort.

In addition, NRDC took steps to ensure no duplication of work within our organization by assigning specific issues, tasks, and workshops/meetings to one team member when possible (e.g., P. Miller for EM&V and DEER, S. Martinez for Goals/Potential, etc). We also designated one person the primary writer per issue area, with other team members providing substantive review (e.g., additional policy recommendations, context, new language, etc.) and/or technical analysis.

B. Additional Comments on Part II:

#	Claimant	CPUC	Comment
9	NRDC		In addition to the substantial contributions noted above, there were also numerous references to NRDC's substantive comments throughout D.12-05-015 (see for example at 38, 43, 58, 94, 178, 275, 322). In addition, NRDC's hours represent substantial analysis and recommendations, many of which were not incorporated into the final decision, yet were important to build the record and to contribute to the conversation and effort to advance efficiency in California.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>a. Claimant's explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation</p> <p>NRDC consistently advocates for policies to maximize cost-effective energy efficiency, ensure that the benefit of energy efficiency is properly accounted for, and that policies and goals align to enable the utilities to use efficiency as their first energy resource choice (as required by California law). NRDC's continued focus in this and other proceedings is on policies that ensure a reliable, affordable, and environmentally sustainable energy resource portfolio that should have lasting benefits to billpayers. NRDC contributed substantially to the resolution of a number of outstanding issues addressed in D.12-05-015, which will allow the utilities to design programs for 2013-2014 that will produce energy savings, and therefore lower costs for customers and reduce pollution.</p> <p>If the utilities meet the energy savings goals as adopted by D.12-05-015, we estimate savings from 2013-2014 will reduce greenhouse gas emissions by nearly 2 million metric tons of carbon dioxide, equivalent to the emissions from nearly 400,000 cars a year, an important contribution to meeting the state's 2020 greenhouse gas emissions limit required by Assembly Bill 32, the Global Warming Solutions Act of 2006. Moreover, D.12-05-015 notes on p.96 that the peak savings will reach more than 700 MW, which avoids the energy needed from more than one large (500 MW) power plant.</p> <p>Based on the recently filed IOU applications for 2013-2014 programs (which were based on D.12-05-015), the proposed programs are projected to save customers over \$1 billion in avoided energy costs (after accounting for the costs</p>	<p>CPUC Verified</p> <p>After making the adjustments to this claim below, we find the hours and costs to be reasonable and worthy of compensation.</p>
--	--

<p>of the programs). These benefits vastly exceed the cost of NRDC's participation in this proceeding.</p>	
<p>b. Reasonableness of Hours Claimed. <i>NRDC's Claims are Reasonable and Conservative</i></p> <p>The substantial contributions to Commission policy described above would not have been possible without the individual contributions of each of the three main members the NRDC team. Lara Ettenson, who has seven years of experience in 2012 working on energy efficiency and CPUC proceedings (and directs NRDC's California energy efficiency policy work) provided detailed language on efficiency policy issues, program design, contributed her in-depth expertise of the Commission's efficiency policies and goals, and made sure there was no duplication of work within the team. Sierra Martinez, who has over four years of experience participating in CPUC proceedings, wrote a substantial portion of NRDC's technical comments on energy efficiency potential and goals. Peter Miller, who has over 25 years of experience working on energy efficiency issues, led comments on evaluation, data assumptions, and measurement issues. In addition to the main contributors, NRDC's Center for Market Innovation expert Philip Henderson provided key financing expertise relevant to California's efforts and Siddhartha Oza provided important research and analysis pertaining to key program design issues.</p> <p>The rates requested by NRDC are purposefully conservative and low on the ranges approved by the Commission, even though the levels of expertise of would justify higher rates. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding. When NRDC claims time for two staff for attending the same external meeting (e.g., meeting with Commissioners), we do so because each staff member possesses a distinct area of expertise that could not be sufficiently represented by the other participants. In these instances, NRDC claims 1/2 time if 2 participants attend or 1/3 time if there were three participants. This allows NRDC's claim to remain conservative, while also acknowledging the role of each participant in the meeting. When staff 'reviewed' other staff work, this involved detailed comments, additional language, clarity of position, and effectiveness of recommendations, to ensure that the work product delivered to the Commission was substantive and useful. This activity was not merely grammar checking, but added significant value to the end product. To further ensure its claim is conservative, NRDC does not claim time for staff review of comments, only for the time it took to integrate the review recommendations into the final comments as noted in (5) below.</p> <p>The amounts claimed are further conservative for the following reasons: (1) None of the hours were claimed from time spent by other NRDC staff who consulted regularly on this proceeding. This included Jamy Bacchus, Drew Bennett, Sheryl Carter, Pierre Delforge, David Goldstein, Noah Horowitz, Noah Long, Peter Miller, Ed Osann, and Devra Wang, all of whom provided substantive work and/or guidance particular to their area of expertise; (2) No time was claimed for pure coordination among the staff, only for discussions of substantive issues to outline comments and define advocacy strategy; (3) NRDC does not claim time for informal conversations with CPUC staff or other stakeholders throughout the</p>	<p>See Parts III.B and III.D below.</p>

<p>proceeding unless they amount to more than 2 hours in a short time period or as part of a settlement agreement (note: it does claim time for meetings with Commissioners and/or advisors); (4) NRDC claims half time for each staff person present for a substantive internal conversations, (5) while NRDC claims time for the integration of substantive recommendations from colleagues, it does not claim time for substantive review (claimed time for L.Ettenson to integrate P. Miller's substantive suggestions into the final comments, but not for P. Miller's time to making those suggestions) (5) we do not claim time for regulatory requirements associated with our advocacy (e.g., time spent writing ex parte notices for the proceeding), (6) no time was claimed for advocacy blogs to influence the outcome of the Commission's final decision.</p> <p>In addition, NRDC does not claim all the time needed to prepare for this claim. D.12-05-015 reached more than 400 pages, all of which Ms. Ettenson reviewed to determine which substantial contributions were integrated into the final decision. NRDC also does not claim time for ongoing timekeeping or maintenance related to intervenor compensation, even though it is time consuming. The amount requested preparing this claim is also conservative because (1) NRDC is only claiming time spent by Ms. Ettenson - who was the main author of the claim - even though others helped compile various sections of the claim and (2) NRDC uses Ms. Ettenson's lowest rate as the basis for the preparation portion of this claim (as identified in Comment 2 below).</p> <p>In sum, NRDC made numerous and significant contributions which required extensive research and analysis. NRDC took every effort to coordinate with other stakeholders to reduce duplication and increase the overall efficiency of the proceeding. Since NRDC's work was efficient, hours conservative, and billing rates low, NRDC's request for compensation should be granted in full.</p>	
c. Allocation of Hours by Issue: See Attachment 1	

B. Specific Claim*:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
L.Ettenson	2010	19.5	\$130	Comment 2	\$2535	19.5	\$130	\$ 2535.00
L.Ettenson	2011	103	\$135	Comment 2	\$13950 ²	103	\$135	\$13,905.00
P.Miller	2011	10 ³	\$180	Comment 3	\$1770 ⁴	10	\$180	\$ 1,800.00
S.Martinez	2011	22	\$200	Comment 4	\$4406.67 ⁵	22	\$200	\$ 4,400.00

² We correct a mathematical error in compensating Ms. Ettenson for her 103 hours worked for 2011. The correct award is \$13,905.00 (103 hours x. \$135/hour).

³ Mr. Miller's time records indicated he charged half time for travel time as appropriate.

⁴ We correct a mathematical error in compensating Mr. Miller for his 10 hours worked in 2011. The correct award is \$1,800 (10 hours x \$180/hour).

⁵ We correct a mathematical error in compensating Mr. Martinez for his 22 hours worked in 2011. The correct award is \$4,400 (22 hours x \$200/hour).

P.Henderson	2011	7.25	\$300	Comment 5	\$2175	7.25	\$300	\$2,175.00
S.Oza	2011	34.5	\$125	Comment 6	\$4312.5	34.5	\$125	\$4,312.50
A.Gonzalez	2011	28	\$125	Comment 7	\$3500	28	\$125	\$3500.00
L.Ettenson	2012	75	\$155	Comment 2	\$11592.71	75	\$160	\$12,000.00
P.Miller	2012	16	\$180	Comment 3	\$2887.5	16	\$185	\$ 2,960.00
S.Martinez	2012	25	\$210	Comment 4	\$5201	24.75 ⁶	\$215	\$5,321.25
P.Henderson	2012	27.75	\$315	Comment 5	\$8741.25	27.75	\$320	\$8,880.00
	Subtotal:				\$61,071.63	Subtotal:		\$61,788.75
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
n/a								
n/a								
	Subtotal:				n/a	Subtotal:		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
L. Ettenson	2009	1	\$62.50	D.10-09-014; Res ALJ 267 1/2 of normal rate	\$62.50	1	\$62.50	\$62.50
L. Ettenson	2012	12	\$65	Comment 2 1/2 of normal rate	\$780.00	12	\$80.00	\$960.00
	Subtotal:				\$842.50	Subtotal:		\$1022.50
COSTS								
#	Item	Detail			Amount	Amount		
	n/a							
Subtotal:					n/a	Subtotal:		
TOTAL REQUEST \$:					\$61,914.13	TOTAL AWARD \$:		62,811.25
* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.								
** Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate (the same rate applies to travel time).								

⁶ We round NRDC's claimed hours to the nearest quarter hour.

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Comment 1	<p>Decision 12-05-015 is the culmination of two and half years of work addressing a myriad of energy efficiency policy issues. While D.12-05-015 addresses a number of those issues, NRDC worked on other matters that were not addressed or resolved in D.12-05-015. (e.g., EE Strategic Plan, Community Choice Aggregation, and Macroconsumption metrics). NRDC claims hours only for issues directly addressed in D.12-05-015 and reserve the right to claim the remaining time if the remaining issues are resolved in subsequent decisions.</p> <p>In addition, NRDC requested separate claims for intervenor compensation for work done in R.09-11-014 (e.g., for D.11-10-014 and D.11-12-038) and therefore our time here only includes hours that have not yet been requested.</p>
Comment 2	<p>Rationale for Lara Ettenson’s rate</p> <p><u>2010 Rate:</u> The Commission previously awarded Ms. Ettenson a 2009 hourly rate of \$125 in D.10-05-014. One 5% step increase from the \$125 rate (2009) equals \$130 for the 2010 rate per D.08-04-010 (p.8). This rate is still conservative at the lower half of the range adopted in Res ALJ-267 for experts with zero to six years of experience for 2010 (\$125-185). In 2010, Ms. Ettenson had more than five years of experience in energy and environmental policy. We use this as the base rate for the preparation of this claim.</p> <p><u>2011 Rate:</u> For 2011, NRDC requests one additional 5% step increase (which will be the second of the two allowable step increases within any given level of experience per D.08-04-010). Assuming a 2010 rate of \$130 based on the above rationale, we request \$130x1.05 (or \$135).</p> <p><u>2012 Rate:</u> In 2012, Ms. Ettenson had 7 years of experience and therefore requested a rate of \$155, which is the lowest of the published range in Res ALJ-267 for experts with 7-12 years of experience. Per D.08-04-010, intervenors can qualify for a rate increase when “moving to a higher experience level: where additional experience since the last authorized rate moved a representative to a higher level of experience.” (D.08-04-010, p.8)</p> <p>Ms. Ettenson has a Master’s in Public Administration from Columbia University School of International and Public Affairs and a Bachelor’s degree in Biology and Environmental Studies from Oberlin College.</p>
Comment 3	<p>Rationale for Peter Miller’s rate</p> <p><u>2011 and 2012 Rate:</u> Mr. Miller was awarded a rate of \$180 in D.12-02-011. NRDC requests that rate here for both 2011 and 2012 work. Mr. Miller is a Senior Scientist at NRDC focusing on renewable energy, energy efficiency, and climate policies. He has worked on energy and environmental policy for 25 years and holds a Physics degree from Reed College and a Master’s degree from Dartmouth College. Mr. Miller is also PhD candidate in Environmental Planning with a focus on conservation planning and climate change.</p>
Comment 4	<p>Rationale for Sierra Martinez’s rate</p> <p><u>2011 Rate:</u> In 2011, Mr. Martinez was a third-year attorney. NRDC accordingly requests a rate of \$200 here, which is at the low range of Attorneys with 3-4 years of experience (\$200-235) adopted in Res ALJ-267. Per D.08-04-010, intervenors can qualify for a rate increase when “moving to a higher experience level: where additional experience since the last authorized rate</p>

	<p>moved a representative to a higher level of experience.” (D.08-04-010, p.8)</p> <p><u>2012 Rate:</u> Mr. Martinez is now a fourth year attorney. NRDC requests one step increase of 5%, which is allowable within “any given level of experience” per D.08-04-010 (p.8). Assuming a rate in 2011 of \$200 based on the above rationale, NRDC requests a rate of 200×1.05 (or \$210) for Mr. Martinez for work done in 2012.</p> <p>Mr. Martinez represents NRDC at state and local fora to promote energy efficiency and renewable energy resources as solutions to climate change that stimulate California’s economy. Mr. Martinez holds a B.A. from Stanford University and a J.D. from Stanford Law School, where he focused on environmental and energy law.</p>
Comment 5	<p>Rationale for Philip Henderson’s rate</p> <p><u>2011 Rate:</u> This is the first request for Philip Henderson. NRDC requests \$300 which is conservative at bottom of the range adopted in Res ALJ-267 for lawyers with 13+ years of experience for 2011.</p> <p><u>2012 Rate:</u> For 2012 NRDC requests \$315, which includes one 5% increase for Philip at $300 \times 1.05 = 315$ per D.08-04-010, p.8.</p> <p>These rates are conservative because Mr. Henderson currently has 15 years of experience in mortgage finance and consumer financial regulatory law. Mr. Henderson has a JD from University of Virginia and a Bachelor’s degree in Economics from Univ. of North Carolina Greensboro.</p>
Comment 6	<p>Rationale for Siddhartha Oza’s rate</p> <p><u>2011 and 2012 Rate:</u> NRDC claims \$125, which is the lowest rate for experts with 0-6 years adopted in Res ALJ-267. Mr. Oza represents NRDC as an advocate for energy efficiency and clean energy solutions at California’s state and local regulatory organizations. Mr. Oza holds a B.S. from Stanford University, where he concentrated on environmental economics, policy and science.</p>
Comment 7	<p>Rationale for Amanda Gonzalez’s rate</p> <p><u>2011 Rate:</u> NRDC claim \$125, which is the lowest rate for experts with 0-6 years adopted in Res ALJ-267. Ms. Gonzalez has three years of experience working in the field of Energy Efficiency in research and project management capacities. Currently, as a Project Manager at Energy Solutions on the Codes and Standards team, she represents NRDC at the state level to promote energy efficiency and renewable energy resources to build a more environmentally sustainable and prosperous economy for California. Ms. Gonzalez holds a B.S/M.S in Management Science in Engineering from Stanford University, where she focused on Energy and Environmental Policy and Strategy.</p>

D. CPUC Disallowances, Adjustments, and Comments:

#	Reason
1	<p>Lara Ettenson’s hourly rate:</p> <p>2009 hourly rate: D.10-05-014 approved an hourly rate of \$125 for Ms. Ettenson for 2009. Ms. Ettenson charges half this rate for work on the NOI in 2009 which is appropriate and we approve this hourly rate here.</p>

	<p>2010 hourly rate: NRDC requests an hourly rate for 2010 for Ms. Ettenson of \$130 which represents a 5% step increase (as authorized by D.08-04-010) from the 2009 hourly rate of \$125 approved in D.10-05-014. This rate is still within the low range adopted by Resolution ALJ-181 for experts with zero to six years of experience and we approve this \$130 rate for Ms. Ettenson's 2010 work.</p> <p>2011 hourly rate: NRDC requests the second 5% step increase (to \$135/hour) for Ms. Ettenson for her 2011 work. We approve this rate based on NRDC's rationale. We also note that this rate is below the hourly rate approved in D.12-02-013 for Ms. Ettenson and is therefore reasonable.</p> <p>2012 hourly rate: NRDC requests an hourly rate of \$155 for 2012 because Ms. Ettenson now has seven years of experience and this rate is at the low end of the range of experts with 7-12 years of experience. However, according to Resolution ALJ-181, dated September 13, 2012, which implemented a cost of living adjustment, we allow \$160/hour for Ms. Ettenson's 2012 time, thus implementing the cost of living adjustment without the need for NRDC to reapply for this increase, since NRDC submitted this request before Resolution ALJ-181 issued. The \$160 rate is the lowest of the range for experts with 7-12 years of experience.</p>
2	<p>Peter Miller's hourly rate:</p> <p>NRDC requests an hourly rate for Peter Miller of \$180 for his work in both 2011 and 2012. In D.12-02-011, the Commission approved an hourly rate of \$180 for Mr. Miller for his work in 2011 and we approve that rate here. We increase Mr. Miller's hourly rate to \$185 for 2012 to implement the cost of living adjustment authorized by Resolution ALJ-181 (see comment 1 above). This rate is at the low end of the range for an expert with over thirteen years of experience.</p>
3	<p>Sierra Martinez' hourly rate:</p> <p>2011 hourly rate: NRDC requests a \$200 hourly rate for Mr. Martinez' 2011 hourly rate. We approved this rate for 2011 for Mr. Martinez in D.13-02-013 and therefore find it reasonable here.</p> <p>2012 hourly rate: NRDC requests an hourly rate of \$210 for Mr. Martinez' 2012 work to reflect the first 5% step increase for the category of attorney with 3-4 years of experience. This increase is reasonable. Additionally, we implement the cost of living adjustment authorized by Resolution ALJ-181 and therefore approve an hourly rate of \$215 for Mr. Martinez' for 2012.</p>
4	<p>Philip Henderson's hourly rate:</p> <p>2011 hourly rate: NRDC makes its first request for compensation for Mr. Henderson and requests a rate of \$300 for work performed in 2011. Mr. Henderson is an attorney with 15 years of experience in mortgage finance and consumer finance regulatory law. He earned his JD from University of Virginia in 1993 and has a Bachelor's Degree in Economics from the University of North Carolina Greensboro. NRDC has attached Mr. Henderson's resume to its request. NRDC's requested rate for Mr. Henderson is at the lowest range for 2011 for an attorney with over 13 years of experience and we approve the requested rate as reasonable.</p>

	2012 hourly rate: NRDC requests a \$315 hourly rate for 2012 which represents the first 5% step increase for Mr. Henderson in the attorney with over 13 years of experience range. In addition, we implement the cost of living adjustment authorized by Resolution ALJ-181 and therefore approve an hourly rate for Mr. Henderson for 2012 of \$320.
5	Siddhartha Oza's hourly rate: NRDC makes its first request for compensation for Mr. Oza and requests an hourly rate of \$125 for 2011. NRDC has attached Mr. Oza's resume to its request. Mr. Oza is a 2011 graduate from Stanford University and represents NRDC as an advocate for energy efficiency and clean energy solutions at California's state and local regulatory organizations. Mr. Oza is currently a Fellow with NRDC. The requested rate is the lowest rate for experts in the 0-6 years of experience range and we approve this request for Mr. Oza's 2011 hourly rate.
6	Amanda Gonzalez' hourly rate: NRDC makes its first request for compensation for Ms. Gonzalez and requests an hourly rate of \$125 for 2011. NRDC has attached Ms. Gonzalez' resume to its request. Ms. Gonzalez earned a B.S./M.S. in Management Science in Engineering at Stanford University, where she focused on Energy and Environmental Policy and Strategy. NRDC states that Ms. Gonzalez has three years of experience working in the field of Energy Efficiency in research and project management capacities. She is currently Project Manager at Energy Solutions on the Codes and Standards team for NRDC, and represents NRDC at the state level to promote energy efficiency and renewable energy resources. The requested rate is the lowest rate for experts in the 0-6 years of experience range and we approve this request for Ms. Gonzalez' 2011 hourly rate.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

FINDINGS OF FACT

1. Claimant Natural Resources Defense Council has made a substantial contribution to Decision (D.) 12-05-015.
2. The requested hourly rates for Claimant Natural Resources Defense Council's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.

4. The total of reasonable contribution is \$62,811.25.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code Sections 1801-1812.

ORDER

1. Claimant Natural Resources Defense Council is awarded \$62,811.25.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company and Southern California Gas Company shall pay Claimant Natural Resources Defense Council their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 29, 2012, the 75th day after the filing of Claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1205025	
Proceeding(s):	R0911014	
Author:	ALJ Farrar	
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company and Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
Natural Resources Defense Council (NRDC)	July 16, 2012	\$61,914.13	\$62,811.25	No	Implement cost of living adjustment authorized by Resolution ALJ-181; correction of minor mathematical errors; round claimed hours to nearest quarter hour.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Lara	Ettenson	Expert	NRDC	\$125	2009	\$125
Lara	Ettenson	Expert	NRDC	\$130	2010	\$130
Lara	Ettenson	Expert	NRDC	\$135	2011	\$135
Lara	Ettenson	Expert	NRDC	\$155	2012	\$160
Peter	Miller	Expert	NRDC	\$180	2011	\$180
Peter	Miller	Expert	NRDC	\$180	2012	\$185
Sierra	Martinez	Attorney	NRDC	\$200	2011	\$200
Sierra	Martinez	Attorney	NRDC	\$210	2012	\$215
Philip	Henderson	Attorney	NRDC	\$300	2011	\$300
Philip	Henderson	Attorney	NRDC	\$315	2012	\$320
Siddhartha	Oza	Expert	NRDC	\$125	2011	\$125
Amanda	Gonzalez	Expert	NRDC	\$125	2011	\$125

(END OF APPENDIX)